

**\*\*\*Adopted\*\*\*  
AMENDMENT No. 1 PROPOSED TO**

**Senate Bill NO. 2778**

**By Senator(s) Burton, Canon, Little, Minor, Moffatt,  
Robertson**

1           **AMEND by inserting the following section after line 228:**

2           **SECTION \*.** Section 11-1-60, Mississippi Code of 1972, is  
3 amended as follows:

4           11-1-60. (1) For the purposes of this section, the  
5 following words and phrases shall have the meanings ascribed  
6 herein unless the context clearly requires otherwise:

7                   (a) "Noneconomic damages" means subjective,  
8 nonpecuniary damages arising from death, pain, suffering,  
9 inconvenience, mental anguish, worry, emotional distress, loss of  
10 society and companionship, loss of consortium, bystander injury,  
11 physical impairment, disfigurement, injury to reputation,  
12 humiliation, embarrassment, \* \* \* other nonpecuniary damages, and  
13 any other theory of damages such as fear of loss, illness or  
14 injury. The term "noneconomic damages" shall not include \* \* \*  
15 punitive or exemplary damages.

16                   (b) "Actual economic damages" means objectively  
17 verifiable pecuniary damages arising from medical expenses and  
18 medical care, rehabilitation services, custodial care,  
19 disabilities, loss of earnings and earning capacity, loss of  
20 income, burial costs, loss of use of property, costs of repair or  
21 replacement of property, costs of obtaining substitute domestic  
22 services, loss of employment, loss of business or employment

23 opportunities, and other objectively verifiable monetary losses.

24 \* \* \*

25 (2) (a) In any civil action for injury \* \* \* if the trier  
26 of fact finds the defendant liable, \* \* \* the plaintiff shall not  
27 be awarded \* \* \* more than Two Hundred Fifty Thousand Dollars  
28 (\$250,000.00) for noneconomic damages \* \* \* for claims for causes  
29 of action filed on or after July 1, 2003 \* \* \*.

30 \* \* \*

31 (b) The jury shall not be advised of the limitations  
32 imposed by this subsection (2) and the judge shall appropriately  
33 reduce any award of noneconomic damages that exceeds the  
34 applicable limitation.

35 \* \* \*

36 (3) Nothing in this section shall be construed to impose a  
37 limitation on \* \* \* or actual economic damages.

38 **FURTHER, amend by inserting the following after the period on**  
39 **line 229: "Sections 1 through 3 of"**

40 **FURTHER, amend by inserting the following after the period on**  
41 **line 231:**

42 Section 4 of this act shall take effect and be in force from and  
43 after July 1, 2003, and shall apply to all causes of action filed  
44 on or after July 1, 2003.

45 **FURTHER, amend the title to conform.**